

AN ACT

D.C. ACT 23-185

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 23, 2019

To amend Title 25 of the District of Columbia Official Code to allow multipurpose facility licenses to be issued to indoor parks, buildings, or facilities that primarily serve as recreational playgrounds or workspaces, to require caterers to possess or have reasonable access to a certified kitchen, to clarify that off-premises retailer's licenses, classes A and AI, are to be treated similarly for purposes of where caterers can purchase the alcoholic beverages for their events, to allow internet license holders to obtain tasting permits, private collectors to exceed the 6 ounce wine tasting limit provided that no more than 2 ounces of wine are served to a person at one time, to provide that a pub crawl license shall be valid for 3 years and eligible for renewal, to prohibit a holder of an off-premises retailer's license, classes AI and BI, from holding another license, to clarify that the holder of an off-premises retailer's license, class B, that qualifies as a full-service grocery store shall be permitted to hold an on-premises retailer's license, class CR or DR, to allow a licensee to hold more than one off-premises retailer's license, class B, that is located in a hotel, to update the requirements for full-service grocery stores, to create an exception to the 400-foot restriction for the holder of an off-premises retailer's license, class A or B, that is seeking to change its license class, to create an exception to the 400-foot restriction for certain corner stores, to remove the requirement that an applicant for an off-premises retailer's license, class B, that qualifies as a full-service grocery store must either have a certificate of occupancy that was issued after January 1, 2000, or have spent at least \$500,000 on renovations, to create an exception to the 400-foot requirement for off-premises retailers, classes A or B, if a license of the same class had operated at the proposed location within the previous 12 months or the licensee is an off-premises retailer's license, class AI or BI, to allow an applicant for an off-premises retailer's license, class B, that has received approval from the Board of Zoning and will have alcohol sales of 15% or less to establish a location in a residential zone, to establish a fee for a pub crawl license, to clarify the hours in which a wholesaler may deliver alcoholic beverages to customers, to allow a wholesaler to rent a retailer's premises when hosting an event, to allow a holder of an off-premises retailer license, class B, and an on-premises retailer's license, class C and D, to store alcoholic beverages at off-site storage facilities, to allow licensees to engage in other activities at the storage location besides storing alcoholic beverages with the approval of the Board, to allow the Board to update the reimbursable detail percentage as needed, and to increase the hourly rate paid to Board members.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Alcoholic Beverage Control Board License Categories, Endorsements, and Hourly and Percentage Rate Amendment Act of 2019".

Sec. 2. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Chapter 1 is amended as follows:

(1) The table of content for Subchapter II is amended by adding a new section designation to read as follows:

"§ 25-129. Pub crawl license."

(2) Section 25-101 is amended as follows:

(A) Paragraph (30) is amended to read as follows:

"(30) "Legitimate theater" means the premises in which the principal business shall be the operation of live theatrical, operatic, or dance performances, the operation of recreational facilities, the viewing of motion picture films, or such other lawful adult entertainment as the Board, giving due regard to the convenience of the public and the strict avoidance of sales prohibited by this title, shall classify as a legitimate theater."

(B) A new paragraph (49A) is added to read as follows:

"(49A) "Sports wagering" shall have the same meaning as in section 4(c)(17) of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 36-601.01(c)(17))."

(3) Section 25-113 is amended as follows:

(A) Subsection (g)(1) is amended to read as follows:

"(g)(1) A multipurpose facility license shall be issued to legitimate theaters, universities, museums, conference centers, art galleries, facilities for the performance of sports, cultural, or tourism-related activities, and to indoor parks, buildings, and facilities that primarily serve as recreational playgrounds or workspaces."

(B) Subsection (i) is amended as follows:

(1) Paragraph (1) is amended as follows:

(A) The existing text is designated as subparagraph (A).

(B) A new subparagraph (B) is added to read as follows:

"(B) A caterer licensed under this subsection shall possess or have reasonable and on-going access to a kitchen licensed by the District of Columbia Department of Health or other applicable state agency in which to prepare the food for a catered event."

(2) Paragraph (5) is amended by striking the phrase "off-premises retailers license, class A," both times it appears and inserting the phrase "off-premises retailer's license, class A or AI" in its place.

(4) Section 25-113a is amended by adding a new subsection (d) to read as follows:

"(d) The license under an on-premises retailer's license, class C/R, D/R, C/H, D/H, C/T, D/T, C/N, D/N, D/X, C/X and class Arena C/X or a manufacturer's license class A or B holding an on-sites sales and consumption permit, shall obtain a sports wagering endorsement from the

Board to be eligible to offer sports wagering.”.

(5) Section 25-118 is amended as follows:

(A) Subsection (c) is amended by striking the phrase “A licensee” and inserting the phrase “Except as provided in subsection (g)(2) of this section, a licensee” in its place.

(B) A new subsection (f-1) is added to read as follows:

“(f-1)(1) The holder of an off-premises retailer’s license, class AI, may utilize a portion of the licensed premises for the sampling of beer, wine, and spirits during its approved hours of operation; provided, that the tastings are:

“(A) Not open to the public; and

“(B) Limited to temporary and festival license holders and caterers.

“(2) The holder of an off-premises retailer’s license, class BI, may utilize a portion of the licensed premises for the sampling of beer and wine during its approved hours; provided, that the tastings are:

“(A) Not open to the public; and

“(B) Limited to temporary and festival license holders.

“(3) The Board may approve the holder of an off-premises retailer’s license, class AI or BI, that has obtained a tasting permit for its licensed premises to conduct tastings closed to the public at a designated common area of a storage facility where the licensee is a tenant.”.

(C) Subsection (g) is amended to read as follows:

“(g)(1) The Board may issue a tasting permit to a private collector to conduct tastings closed to the public at a designated common area of a storage facility where the private collector is a tenant.

“(2) A private collector who holds a tasting permit may exceed the 6 ounce sampling limit for wine set forth in subsection (c)(2) of this section; provided, that the private collector does not serve customers more than 2 ounce servings of wine at a time.”.

(D) Subsection (h) is amended to read as follows:

“(h) For the purposes of this section, the term:

“(1) “Storage facility” means a bonded warehouse in the District of Columbia licensed by the Board for the storage of alcoholic beverages.

“(2) “Tasting” means a gathering at which an authorized licensee provides samples of spirits, wine, and beer to people to compare and evaluate.”.

(6) A new section 25-129 is added to read as follows:

“§ 25-129. Pub crawl license.

“(a) A pub crawl license shall authorize the licensee to host events featuring groups of licensed establishments within walking distance to one another featuring the sale or service of alcoholic beverages during a specified timeframe.

“(b) The pub crawl license shall be valid for 3 years unless the license is suspended or revoked prior to its expiration.”.

(b) Chapter 3 is amended as follows:

(l) Section 25-303 is amended as follows:

(A) Subsection (a) is amended by adding a new paragraph (4) to read as follows:

“(4) No licensee under an off-premises retailer’s license, class AI or BI, shall hold an interest in any other license.”.

(B) Subsection (c)(4) is repealed.

(C) A new subsection (c-1) is added to read as follows:

“(c-1) Notwithstanding subsection (a) of this section, the holder of an off-premises retailer’s license, class B, that qualifies as a full-service grocery store pursuant to subsection (c) of this section shall be authorized to apply for an on-premises retailer’s license, class CR or DR.”.

(D) Subsection (f)(2) is amended to read as follows:

“(2) Other license held by the applicant is an on-premises retailer’s license, class CH, DH, CR, DR, CT, or DT, that is also located within the same hotel as the establishment’s proposed location, or an off-premises retailer’s license, class B, that is located within another hotel and has no direct public access to the street or the outside of the hotel’s building.”.

(2) Section 25-314(b) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “paragraphs (2) through (9)” and inserting the phrase “paragraphs (2) through (11)” in its place.

(B) Paragraph (4) is amended to read as follows:

“(4) The 400-foot restriction shall not apply if:

“(A) The applicant applies for an off-premises retailer’s license, class B, that meets the definition of a full-service grocery store, as defined in § 25-101(22A);

“(B) The sale of alcoholic beverages constitutes no more than 15% of the total volume of gross receipts on an annual basis;

“(C) The establishment is not located in a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission for the District of Columbia, or if located within the Southeast Federal Center, in the SEFC-1 zone;

“(D) The opinion of the ANC, if any, in which the establishment is located has been given great weight; and

“(E) The applicant does not hold a manufacturer’s or wholesaler’s license.”.

(C) New paragraphs (10) and (11) are added to read as follows:

“(10) The 400-foot restriction shall not apply to an applicant for a class change of an off-premises retailer’s license, class A or B; provided, that:

“(A) The licensed establishment is not located in a residential-use district as defined by the zoning regulations and shown in the official atlases of the Zoning Commission for the District of Columbia; and

“(B) Another off-premises retailer’s license of the same class is not located within 400 feet of the applicant.

“(11) The 400-foot restriction shall not apply if:

“(A) The applicant applies for an off-premises retailer’s license, Class B;

“(B) The applicant qualifies as a corner store and has been approved by the Board of Zoning Adjustment for a special exception under Chapter 11-U2 of Title 11 of the DCMR (11-U DCMR § 254);

“(C) The applicant’s establishment is located in ANC 1B;

“(D) The sales area of the applicant’s establishment that is devoted to the sale of alcohol for off-site consumption constitutes no more than 15% of the gross floor area of the ground floor of the corner store;

“(E) The applicant’s sale of alcoholic beverages constitutes no more than 15% of the total volume of gross receipts on an annual basis;

“(F) The applicant’s establishment is located in a Great Streets Corridor;
and

“(G) The opinion of the ANC, if any, has been given great weight.”.

(3) Section 25-331(d) is amended to read as follows:

“(d) The quotas set forth in subsection (b) of this section shall not prohibit the issuance of a license for an off-premises retailer’s license, class B, for the sale of alcoholic beverages in an establishment if:

“(1) The applicant applies for an off-premises retailer’s license, class B, that meets the definition of a full-service grocery store, as defined in § 25-101(22A));

“(2) The sale of alcoholic beverages constitutes no more than 15% of the total volume of gross receipts on an annual basis;

“(3) The establishment is not located in a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission for the District of Columbia, or if located within the Southeast Federal Center, in the SEFC-1 zone; and

“(4) The opinion of the ANC, if any, in which the establishment is located has been given great weight.”.

(4) Section 25-332 is amended as follows:

(A) Subsection (c) is amended to read as follows:

“(c) This moratorium shall not apply to an applicant for an off-premises retailer’s license, class B, for the sale of alcoholic beverages in an establishment if:

“(1) The off-premises retailer’s license, class B, meets the definition of a full-service grocery store, as defined § 25-101(22A);

“(2) The sale of alcoholic beverages constitutes no more than 15% of the total volume of gross receipts on an annual basis;

“(3) The establishment is not located in a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission for the District or, if located in the Southeast Federal Center, in SEFC-1; and

“(4) The opinion of the ANC, if any, has been given great weight.”.

(B) Subsection (e)(2) is amended to read as follows:

“(e)(2) Establishment is not located in a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission for the District or, if located within Southeast Federal Center, in the SEFC-1;”.

(5) Section 25-333 is amended as follows:

(A) Subsection (a) is amended to read as follows:

“(a) No new off-premises retailers license, class A, shall be issued for an establishment which is located within 400 feet from another establishment operating under an off-premises

retailer's license, class A; except, that this requirement shall not apply to:

"(1) A new off-premises retailer's license, class A, if another off-premises retailer's license, class A, operated at the proposed location within the past 12 months; or

"(2) An off-premises retailer's license, class AI, that is located within 400 feet of an off-premises retailer's license, class A." in its place.

(B) Subsection (b) is amended is amended to read as follows:

"(b) No new off-premises retailers license, class B, shall be issued for an establishment which is located within 400 feet from another establishment operating under an off-premises retailer's license, class B; except, that this requirement shall not apply to:

"(1) A new off-premises retailer's license, class B, if another off-premises retailer's license, class B, operated at the proposed location within the past 12 months; or

"(2) An off-premises retailer's license, class BI, that is located within 400 feet of an off-premises retailer's license, class B.".

(C) Subsection (c) is amended to read as follows:

"(c) This section shall not prohibit the issuance of a license for an off-premises retailer's license, class B, for the sale of alcoholic beverages in an establishment if:

"(1) The off-premises retailer's license, class B, meets the definition of a full-service grocery store, as defined in § 25-101(22A);

"(2) The sale of alcoholic beverages constitutes no more than 15% of the total volume of gross receipts on an annual basis;

"(3) The establishment is not located in a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission for the District of Columbia or, if located in the Southeast Federal Center, in SEFC-1; and

"(4) The opinion of the ANC, if any, has been given great weight.".

(6) Section 25-336 is amended by adding a new subsection (g) to read as follows:

"(g) Notwithstanding the restriction set forth in subsection (a) of this section, an applicant may apply for and be issued an off-premises retailer's license, class B, for premises located in a residential zone if:

"(1) The applicant has received approval from the Board of Zoning; and

"(2) Alcohol sales are no more than 15% total volume of gross receipts on an annual basis.".

(c) Chapter 5 is amended as follows:

(1) The table of contents is amended to add a new section designation to read as follows:

"§ 25-512. Minimum fee for pub crawl license.".

(2) A new section 25-512 is added to read as follows:

"§ 25-512. Minimum fee for pub crawl license.

"The minimum annual fee for a pub crawl license shall be \$500.".

(d) Chapter 7 is amended as follows:

(1) Section 25-721 is amended as follows:

(A) A new subsection (a-1) is added to read as follows:

"(a-1) Notwithstanding subsection (a) of this section, a licensed wholesaler may sell and

deliver alcoholic beverages to customers only between the hours of 7:00 a.m. and 12:00 a.m., Monday through Sunday.”.

(B) Subsection (b) is amended to read as follows:

“(b) In addition to the provisions in subsection (a) of this section, a licensed wholesaler, class A or B, may deliver alcoholic beverages between the hours of 9:00 a.m. and 9:00 p.m. on Sunday.”.

(2) Section 25-736 is amended by adding a new subsection (a-1) to read as follows:

“(a-1)(1) Notwithstanding subsection (a)(3) of this section, with the Board’s prior approval, a licensed wholesaler may rent a retailer’s licensed premises to host a one-day or a one-time event.

“(2) The Board shall not grant a wholesaler’s request pursuant to paragraph (1) of this subsection more than one time in a calendar year.”.

(3) Section 25-754 is amended as follows:

(A) Subsection (a) is amended as follows:

(i) Strike the phrase “establishment under” and insert the phrase “establishment in the District under” in its place.

(ii) Paragraph (3) is amended to read as follows:

“(3) Off-premises retailer’s license, class A or B;”.

(iii) Paragraph (4) is amended by striking the phrase “Common carrier license” and inserting the phrase “On-premises retailer’s license” in its place.

(B) A new subsection (c) is added to read as follows:

“(c) The Board may permit a licensee to conduct other activities at an approved storage location; except, that that the licensee shall not be permitted to sell, service, or allow the consumption of alcoholic beverages at the storage location.”.

(4) Section 25-798 is amended by adding a new subsection (c-1) to read as follows:

“(c-1)(1) The Board shall have the authority to change the percentage by which ABRA will reimburse MPD for its reimbursable detail services as needed.

“(2) The Board shall publish changes to the reimbursable detail percentage in the District of Columbia Register.

“(3) The reimbursable detail percentage change shall take effect no fewer than 30 days after publication in the District of Columbia Register.”.

Sec. 3. Section 1108(c-1)(8) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c-1)(8)), is amended by striking the figure “\$40” and inserting the figure “\$50” in its place.

Sec. 4. Section 718.2 and 718.3 of Title 23 of the District of Columbia Municipal Regulations are amended to read as follows:

“718.2 ABRA will reimburse MPD for a percentage, as published in the *D.C. Register*, of

the total cost of invoices submitted by MPD to cover the costs incurred by licensees for MPD officers working reimbursable details on Sunday through Saturday nights. The hours eligible for reimbursement for on-premises retailer licensees shall be 11:30 p.m. to 5:00 a.m. ABRA will also reimburse MPD a percentage, as published in the *D.C. Register*, of the total costs of invoices submitted by MPD to cover the costs incurred for outdoor special events where the licensee has been approved for a one-day substantial change license or temporary license. The hours eligible for an outdoor special event operating under a one-day substantial change license, a temporary license, or a pub crawl event operating under a pub crawl license shall be twenty-four (24) hours a day.

“718.3 MPD shall submit to ABRA on a monthly basis, invoices documenting the percentage owed by each licensee. Invoices will be paid by ABRA to MPD within thirty (30) days of receipt in the order that they are received until the subsidy program’s funds are depleted.”.

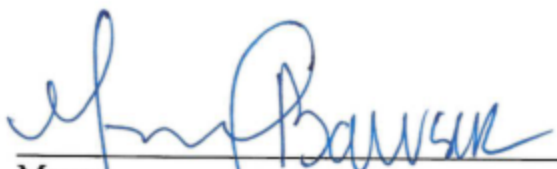
Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 23, 2019



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, DC, 20004

Docket No. **B23-0254**

☐ ITEM ON CONSENT CALENDAR

☒ ACTION & DATE

FIRST READING, Nov 5, 2019

☒ VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

☐ ROLL CALL VOTE - Result

Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB
Chmn. Mendelson	X				Gray	X				Silverman	X			
Allen	X				Grosso	X				T. White	X			
Bonds	X				McDuffie	X				Todd	X			
Cheh	X				Nadeau	X								
Evans	X				R. White	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

12-5-19

Date

Docket No. **B23-0254**

☐ ITEM ON CONSENT CALENDAR

☒ ACTION & DATE

FINAL READING, Dec 3, 2019

☒ VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

SILVERMAN

☐ ROLL CALL VOTE - Result

Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB
Chmn. Mendelson	X				Gray	X				Silverman				X
Allen	X				Grosso	X				T. White	X			
Bonds	X				McDuffie	X				Todd	X			
Cheh	X				Nadeau	X								
Evans	X				R. White	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

12-5-19

Date